

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESSICA CATANESI and ROBERT  
CATANESI, a married couple,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 21-CV-05836-LK

ORDER DENYING STIPULATED  
MOTION FOR PROTECTIVE  
ORDER

This matter comes before the Court on the parties' Stipulated Motion for Protective Order. Dkt. No. 15. The parties state that one "purpose" of this order is "to order the United States and its agencies to disclose to Plaintiff the employment file of Madigan Army Medical Center's former employee, Gagandeep Dhillon, under 5 U.S.C. § 552a(b)(11) of the Privacy Act." Dkt. No. 15. The Privacy Act bars agency disclosure of "any record which is contained in a system of records by any means of communication to any person . . . except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains," unless, as relevant here, disclosure is "pursuant to the order of a court of competent jurisdiction." 5 U.S.C. § 552a(b)(11).

1 A stipulated protective order is not the appropriate vehicle for seeking such an order. The  
2 parties may file an appropriate motion with the Court if they wish to obtain Dhillon's employment  
3 file under the Privacy Act's provisions. *Compare Perry v. State Farm Fire & Cas. Co.*, 734 F.2d  
4 1441, 1447 (11th Cir. 1984) (per curiam) ("Requests for court orders under § 552a(b)(11) should  
5 be evaluated by balancing the need for the disclosure against the potential harm to the subject of  
6 the disclosure."), *with Laxalt v. McClatchy*, 809 F.2d 885, 889 (D.C. Cir. 1987) (finding "no basis  
7 for inferring that the statute replaces the usual discovery standards of the FRCP—in particular,  
8 Rules 26 and 45(b)—with a different and higher standard"); *see also Clarkson v. Alaska Airlines,*  
9 *Inc.*, No. C19-0005-TOR, 2020 WL 7241055, at \*1–2 (E.D. Wash. Dec. 9, 2020) (evaluating  
10 request for section 552a(b)(11) order under *Perry*'s "heightened standard" and *Laxalt*'s Rule 26  
11 "relevance" standard).

12 The Court therefore DENIES the parties' Stipulated Motion for Protective Order without  
13 prejudice. Dkt. No. 15.

14 Dated this 18th day of March, 2022.

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16 Lauren King  
17 United States District Judge  
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